

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DEBBIE ANN CARPENTER	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 95-500
	)	
GTE SOUTH INCORPORATED	)	
	)	
DEFENDANT	)	

O R D E R

On April 19, 1995, Debbie Ann Carpenter, a resident of the Sand Gap exchange served by Peoples Rural Telephone Cooperative Corporation, Inc. ("Peoples"), filed a formal complaint against GTE South Incorporated ("GTE South") because she is unable to obtain GTE South service and thereby have local calling to areas in Rockcastle County served by GTE South. Ms. Carpenter alleges that a number of her neighbors also wish to obtain service from GTE South rather than from Peoples, and have not been permitted to do so. Ms. Carpenter states that she does business in Rockcastle County and wishes to have toll-free calling to her mother-in-law, who has GTE South service. Ms. Carpenter asserts that granting her request would not constitute a problem because of her proximity to GTE South's telephone lines and that she has "turned down" Peoples service because she has "no use" for it. Ms. Carpenter does not allege that the service offered by Peoples is inadequate in any way other than that its local calling area is not the one she prefers.

For the reasons discussed below, the Commission finds that the complaint fails to state a prima facie case and should therefore be dismissed.

As the Franklin Circuit Court and the Commission previously have found, a desire for a local calling area other than the one offered by one's local exchange carrier does not render that carrier's service "inadequate" so as to justify action on a complaint pursuant to KRS 278.260.<sup>1</sup> Complaints similar to that of Ms. Carpenter have been filed before. For example, in response to complaints of Rochester residents that they wanted a local calling area other than that offered by the carrier that served their exchange,<sup>2</sup> the Commission ordered Southern Bell Telephone and Telegraph Company ("Southern Bell"), the adjacent local carrier, to serve the complainants' exchange. However, the Franklin Circuit Court, in Logan Co. Rural Telephone Coop. Corp. v. Public Service Commission, Civil Action No. 61507 (Memorandum dated December 21, 1963, Order and Judgment dated December 27, 1963), set aside the Commission's Order. In its Memorandum, the court noted, inter alia, that no inadequacy of service had been shown and that Southern Bell had not asked to furnish service to the Rochester Exchange. The circumstances here are similar: Ms. Carpenter

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<sup>1</sup> See Case No. 93-430, Tommy Lee Pendley v. Logan Telephone Cooperative, Inc. and South Central Bell Telephone Company, Order dated June 15, 1995, and citations therein.

<sup>2</sup> Case No. 3963, Estill Knight v. Southern Bell Telephone and Telegraph Company and Logan County Rural Telephone Cooperative Corporation, Order dated August 21, 1961.

alleges no inadequacy of service, and GTE South has not asked to furnish service in Ms. Carpenter's exchange.

The Commission is not insensitive to Ms. Carpenter's concerns, or to those of others who desire local calling to areas other than those offered by their local exchange carriers. Nevertheless, the Commission is required to recognize that its decisions in such matters do not take place in a vacuum. In Administrative Case No. 218,<sup>1</sup> Order dated February 21, 1980, the Commission stated, "The establishment of telephone boundary lines is absolutely necessary to allow economical and efficient communication system planning . . . Once established, the integrity of boundary lines must be observed by both the telephone utilities and by telephone subscribers, except in those instances where, upon application by the utility, a deviation is granted by the Commission for good cause shown . . . ." In other words, considerations of economy and policy dictate that deviations be granted only when a utility so requests, offering evidence regarding potential adverse impact as well as of exceptional circumstances that justify the deviation. Those requirements are not met here. Ms. Carpenter alleges no circumstances which differ materially from those existing in many other areas in Kentucky. Without taking into consideration related critical issues such as potential impact on universal service, the Commission cannot relax its policy regarding the integrity of established exchange boundaries.

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<sup>1</sup> Administrative Case No. 218, In the Matter of Telephone Utility Exchange Boundaries.

The feasibility of intraexchange competition is currently being addressed in Administrative Case 355,<sup>4</sup> which involves dozens of parties, as well as intricate and complex issues, including universal service. Alteration of Commission policy regarding exchange boundaries in the context of a complaint case, prior to full consideration of the implications of such alteration, would be impractical as well as potentially counterproductive. It is not clear whether the resolution of Administrative Case No. 355 will address Ms. Carpenter's concerns. However, should Ms. Carpenter wish to participate in Administrative Case No. 355, she may file a request to intervene.

IT IS THEREFORE ORDERED that this case is dismissed.

Done at Frankfort, Kentucky, this 20th day of November, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

<sup>4</sup> Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service, and the Non-Traffic Sensitive Access Rate, Order dated April 21, 1995.